

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MICHAEL MCCARTHY, et al.,

*Plaintiffs,*

v.

CHARLES D. BAKER, in his Official Capacity as  
Governor of the Commonwealth of Massachusetts, et al.,

*Defendants.*

CIVIL ACTION  
NO. 1:20-cv-10701-DPW

**AFFIDAVIT OF JULIA KOBICK IN SUPPORT OF  
DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT  
AND IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

I, Julia Kobick, hereby declare and state the following:

1. I am an Assistant Attorney General at the Massachusetts Office of the Attorney General and am a member in good standing of the Massachusetts bar. I represent the defendants in this matter.

2. I make this affidavit in support of the Defendants' Cross-Motion for Summary Judgment and in support of the Defendants' Opposition to the Plaintiffs' Motion for Summary Judgment. Unless stated otherwise, I have personal knowledge of the facts set forth herein and am competent to testify thereto.

3. Attached as Exhibit A is a true and correct copy of Charles D. Baker, Governor's Declaration of Emergency (March 10, 2020), available at <https://www.mass.gov/executive-orders/no-591-declaration-of-a-state-of-emergency-to-respond-to-covid-19>.

4. Attached as Exhibit B is a true and correct copy of Massachusetts Dep't of Public Health, COVID-19 Dashboard (June 10, 2020), <https://www.mass.gov/doc/covid-19-dashboard-june-10-2020/download>.

5. Attached as Exhibit C is a true and correct copy of Charles D. Baker, Order Temporarily Closing All Public and Private Elementary and Secondary Schools (March 15, 2020), <https://www.mass.gov/doc/march-16-2020-k-12-school-closing-order/download>.

6. Attached as Exhibit D is a true and correct copy of Charles D. Baker, Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs (March 18, 2020), <https://www.mass.gov/doc/march-18-2020-early-education-and-care-order/download>.

7. Attached as Exhibit E is a true and correct copy of Charles D. Baker, COVID-19 Order No. 13, Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gatherings of More Than 10 People (March 23, 2020), <https://www.mass.gov/doc/march-23-2020-essential-services-and-revised-gatherings-order/download>, along with Exhibit A to that Order.

8. Attached as Exhibit F is a true and correct copy of Charles D. Baker, COVID-19 Order No. 21, Order Extending the Closing of Certain Workplaces and the Prohibition on Gatherings of More Than 10 People (March 31, 2020), <https://www.mass.gov/doc/march-31-2020-essential-services-extension-order/download>, along with Exhibit A to that Order, available at <https://www.mass.gov/doc/march-31-essential-services-list/download>.

9. Attached as Exhibit G is a true and correct copy of Massachusetts Dep't of Public Health, COVID-19 Dashboard (May 24, 2020), <https://www.mass.gov/doc/covid-19-dashboard-may-24-2020/download>.

10. Attached as Exhibit H is a true and correct copy of Charles D. Baker, COVID-19 Order No. 28, Order Extending the Temporary Closure of All Public and Private Elementary and Secondary Schools (April 21, 2020), <https://www.mass.gov/doc/april-21-2020-school-closure-extension-order/download>.

11. Attached as Exhibit I is a true and correct copy of Charles D. Baker, COVID-19 Order No. 27, Order Extending the Temporary Closing of All Non-Emergency Child Care Programs (April 21, 2020), <https://www.mass.gov/doc/april-21-2020-childcare-programs-closure-extension/download>.

12. Attached as Exhibit J is a true and correct copy of Charles D. Baker, COVID-19 Order No. 30, Order Further Extending the Closing of Certain Workplaces and the Prohibition on Gatherings of More than 10 People (April 28, 2020), <https://www.mass.gov/doc/signed-second-extension-of-essential-services-order/download>.

13. Attached as Exhibit K is a true and correct copy of Massachusetts Dep't of Public Health, COVID-19 Dashboard, (August 15, 2020), <https://www.mass.gov/doc/covid-19-dashboard-august-15-2020/download>.

14. Attached as Exhibit L is a true and correct copy of Massachusetts Dep't of Public Health, COVID-19 Dashboard (October 18, 2020), <https://www.mass.gov/doc/covid-19-dashboard-october-18-2020/download>.

15. Attached as Exhibit M is a true and correct copy of Press Release, *Reopening Massachusetts: Baker-Polito Administration Initiates Transition to First Phase of Four-Phase Approach* (May 18, 2020), <https://www.mass.gov/news/reopening-massachusetts-baker-polito-administration-initiates-transition-to-first-phase-of>.

16. Attached as Exhibit N is a true and correct copy of Charles D. Baker, COVID-19 Order No. 33, Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to Address COVID-19 (May 18, 2020), <https://www.mass.gov/doc/may-18-2020-re-opening-massachusetts-order/download>.

17. Attached as Exhibit O is a true and correct copy of Charles D. Baker, COVID-19 Order No. 37, Order Authorizing the Reopening of Phase II Enterprises (June 6, 2020), <https://www.mass.gov/doc/june-6-2020-phase-ii-reopening/download>.

18. Attached as Exhibit P is a true and correct copy of COVID-19 State of Emergency: Emergency Orders and Guidance Associated with the COVID-19 State of Emergency, <https://www.mass.gov/info-details/covid-19-state-of-emergency>.

19. Attached as Exhibit Q is a true and correct copy of Charles D. Baker, COVID-19 Order No. 40, Order Further Advancing the Re-Opening of Phase II Enterprises (June 19, 2020), <https://www.mass.gov/doc/reopening-phase-2-step-2-order/download>.

20. Attached as Exhibit R is a true and correct copy of Charles D. Baker, COVID-19 Order No. 43, Order Authorizing the Reopening of Phase III Enterprises (July 2, 2020), <https://www.mass.gov/doc/phase-3-order-july-2-2020/download>.

21. Attached as Exhibit S is a true and correct copy of Charles D. Baker, COVID-19 Order No. 51, Order Further Advancing Phase III Re-Openings in Municipalities with Reduced Incidence of COVID-19 Infection (September 29, 2020), <https://www.mass.gov/doc/governors-covid-19-order-51/download>.

22. Attached as Exhibit T is a true and correct copy of Massachusetts Dep't of Public Health, COVID-19 Dashboard (May 18, 2020), <https://www.mass.gov/doc/covid-19-dashboard-may-18-2020/download>.

23. Attached as Exhibit U is a true and correct copy of Declaration of Michaela Dunne (dated April 21, 2020).

24. Attached as Exhibit V is a true and correct copy of Supplemental Declaration of Michaela Dunne (dated May 2, 2020).

25. Attached as Exhibit W is a true and correct copy of Affidavit of Marlee Greer (dated April 18, 2020).

26. Attached as Exhibit X is a true and correct copy of U.S. Dep't of Homeland Security, Cybersecurity & Infrastructure Security Agency, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response (March 19, 2020).

27. Attached as Exhibit Y is a true and correct copy of U.S. Dep't of Homeland Security, Cybersecurity & Infrastructure Security Agency, Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response (March 28, 2020).

28. Attached as Exhibit Z is a true and correct copy of Affidavit of Monica Bharel, MD (dated April 13, 2020).

29. Attached as Exhibit AA is a true and correct copy of Ctrs. For Disease Control and Prevention, *Social Distancing, Quarantine, and Isolation*, Coronavirus Disease 2019 (COVID-19) (April 17, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

30. Attached as Exhibit BB is a true and correct copy of Ctrs. For Disease Control and Prevention, *Interim Clinical Guidance for Management of Patients with Confirmed Coronavirus Disease (COVID-19)* (April 3, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/clinical-guidance-management-patients.html#Asymptomatic>.

31. Attached as Exhibit CC is a true and correct copy of Declaration of Zorran Atanasovski (dated April 23, 2020).

32. Attached as Exhibit DD is a true and correct copy of Britta Jewell and Nicholas P. Jewell, *The Huge Cost of Waiting to Contain the Pandemic*, NEW YORK TIMES (April 16, 2020).

33. Attached as Exhibit EE is a true and correct copy of *In re SEG Properties, LLC v. Northam*, CL20-2818, at 7 (Va. Cir. Ct. June 10, 2020).


34. Attached as Exhibit FF is a true and correct copy of Stipulation on Factual Issues Related to the Plaintiffs' Gun Ownership in *McCarthy v. Baker*, No. 1:20-cv-10701-DPW.

35. Attached as Exhibit GG is a true and correct copy of an email, dated April 22, 2020, from Kristin M. Ryan of the Firearms Licensing Unit of the Massachusetts State Police, with the subject line "Virtual/Online Training Update," along with a .pdf attachment.

36. Attached as Exhibit HH is a true and correct copy of FINAL BFS Instructors Approved for Virtual Training, April 15, 2020 – May 23, 2020, <https://www.mass.gov/doc/final-approved-virtual-training-bfs-instructors-41520-thru-5232020/download>.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 19th day of October, 2020.

  
\_\_\_\_\_  
Julia Kobick  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I certify that, on October 19, 2020, this document, filed through the Court's ECF system, will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Julia E. Kobick

Julia E. Kobick

Assistant Attorney General